

Second draft

DCI REMARKS

Johns Hopkins President's Club, Baltimore, Md.
Society of Engineers, Chicago, Ill.
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I would like to talk to you about the role of intelligence in our society today; what we intelligence professionals need to carry out that role; and what society needs to ensure itself that we are successfully fulfilling our role and nothing else.

Good intelligence is more important to our country today than at any time since the establishment of a centralized intelligence community in 1947. At that time we were clearly the dominant military power in the world. We were independent economically and we were the political leader on the world scene.

Today we remain the preeminent military, economic, and political force in the world. Yet, like all other nations, we must recognize that our national security is dependent in some measure on actions beyond our control; most often the actions of other governments. This is especially so as military might continues to proliferate; as economic interdependence increases; and as political activism and independence become characteristic of both long established and new nations. These forces can encourage nations to act deliberately in ways inimical to our interests and the interests of others, or to pursue selfish national

goals regardless of their international impact. In both instances, such actions are likely to be taken secretly. Therefore, the United States, like all other nations, needs to keep aware of what others are doing. Only if we are well informed can we guard against actions which endanger our national interests. Only if we are well informed can we make good policy decisions. Today, reliable information can provide leverage that is often preferable to military force or other forms of power. Knowledge of what others might concede is also essential to the successful negotiation of agreements which contribute to continued world peace, such as arms control agreements. Without independent verification of the provisions of these agreements, there could not be adequate confidence to entrust the nation's fate to such measures. If this were the best of all possible worlds and other nations were forthright about their plans and policies, we might well be able to keep abreast of world affairs without having to spy on others. Unfortunately, many if not most of the world's nations are closed societies in our terms. The collection of foreign intelligence, that is, information about activities in other countries, is the first role of the Intelligence Community.

Our second role is essential if the first is to be played. This is the conduct of counterintelligence. Counterintelligence is the obverse of collecting intelligence for our own use. It is preventing others from learning our national secrets for their use.

Ours is the most open society in the history of the world. There is little that we think or do which is not widely known. Yet, we must be prepared for what our potential enemies may do, and many of those preparations, to be effective, must be kept secret. We cannot afford to develop expensive weapons systems or intelligence collecting devices and then not protect them. Once their capabilities are known, they can be easily countered. Nor can we adequately protect our interests in negotiating treaties or agreements if our terms are exposed in advance. Consequently, we must be able to uncover attempts to penetrate our secrets and be able to neutralize or frustrate them.

The third role of intelligence is covert political action. Covert political action is the effort to influence events in foreign countries without the source of that influence being known. This is not an intelligence function if we define intelligence as the collection and evaluation of information. However, since 1947, under Presidential and Congressional directive, the Central Intelligence Agency has been responsible for performing such political action as the country has desired on a covert basis.

One of the cardinal principles of United States foreign policy is to avoid military conflict whenever national interests can be protected by other means. Generally, events can be influenced overtly through diplomacy, negotiation, or economic pressure. But, there are times

when an attempt to influence a foreign activity might be diluted or undercut if the United States' role were known.

For example, the thwarting of terrorist operations by penetrating the terrorist organization even while pursuing open negotiations; the provision of financial support to individuals or institutions struggling to maintain democratic standards against external pressures toward totalitarianism; or the effort to further our national interests by influencing foreign policies through intermediaries when an appearance of selfish national interest might discredit an overt approach. Accordingly, the instrument of covert political influence has its proper place in the spectrum of foreign policy tools.

II

What do intelligence professionals need to fulfill these roles?

First, we need the support and the understanding of the American body politic. For many years we had that support simply on faith - on the faith that the country needed to conduct some secret activities if it was to remain wise and strong. Events of recent years have shaken that faith, although I am persuaded that the American public continues to support a strong intelligence capability for our country. Nonetheless, the public deserves to understand better what we do and

why we do it so that its faith and trust in us can rest on a tangible foundation. My presence here with you today is evidence of my personal commitment to be more open about those areas or activities where it is possible to be so.

Having said that, I move on to say that the second fundamental of our intelligence capability is keeping secrets better. If that seems to contradict my espousal of a policy of greater openness, let me explain. Governments no less than individuals need some measure of secrecy. The Intelligence Community is no exception. Unquestionably, there has been much too much secrecy in the past. Too many documents remain classified unnecessarily. The policy of openness and maximum disclosure is one way to whittle down this huge corpus of classified data. Such a process will not only permit the public to become more knowledgeable of government activities - and rightly so - but may encourage greater respect for what remains classified thus improving its protection.

But more than openness is needed to preserve legitimate secrets. To begin with there must be a renewed recognition of the legitimacy of secrecy. Secrecy is neither moral nor immoral, good nor bad. It is simply a necessary correlary of the world in which we live. Our society needs to appreciate this fact and stop jumping to the often shaky conclusion that a prime function of secrecy is to conceal wrongdoing.

And that, ipso facto, whistle blowers are heroes and their targets are self-serving, malicious, enemies of the common good. Just as there are procedures for preserving secrets there are procedures for questioning improper or unnecessary secrecy. I have yet to see a whistle blower use these relief valves within the system prior to going into the public arena. It would appear that fame and fortune might be as motivating as any attempt to curtail improper secrecy.

III

Yet none of us who is sworn to preserve legitimate secrets - and I for one am charged by law with protecting those secrets which relate to how we gather intelligence information-do not ask the public simply to accept our word on what needs to be kept classified. In intelligence undue secrecy or secrecy improperly used represents a considerable risk to our society. Clandestine gathering of foreign intelligence, the pursuit of counterintelligence, or the covert execution of political influence offer many opportunities for a misstep.

There is the risk of violating human rights. Even though the Bill of Rights applies only to Americans, as a nation we believe in and support the concept of human rights world-wide. If our intelligence activities systematically violate those rights, our actions would belie the values which our society proclaims.

Beyond this there is the danger that Americans will be accidentally or unintentionally involved in clandestine intelligence collection. When such infringement of basic American rights is a possibility, our task must be approached with great caution to ensure no infringement occurs.

There are other ways in which American liberties can be jeopardized by intelligence activities, but today these are carefully controlled. For example, a search warrant or the Attorney General's approval is required for surveillance of telephone conversations.

IV

So, rather than expect the public to accept on faith that secret intelligence actions are legal and proper, checks on the intelligence process have been established which will on the one hand protect the citizen's interests and, on the other, not so inhibit necessary clandestine activities that success is prevented. Out of the last 3 1/2 years of revelation and public criticism a series of controls or oversight procedures have been forged. These give the American citizen greater insurance against abuses yet assurance of the continuance of an effective intelligence effort.

What are these controls? There are really four kinds: general guidelines, specific prohibitions, injunctions short of a total prohibition and oversight procedures.

There are two general guidelines which comprise a framework within which intelligence professionals work. First, that espionage is an extraordinary remedy. That clandestine means of gathering information should never be resorted to when the same information might be available openly. We always must assess the risks versus the benefits in undertaking any clandestine activity. Second, that actions which we take in secret must be defensible in principal, in public. Naturally, because of secrecy we cannot go before the public with all the details of each instance of espionage we undertake. But we can, in public, defend the general classes of actions which we take and we can, before the appropriate committees of the Congress, justify our clandestine activities on their consistency with announced policies and objectives, established by the open processes of our government.

The second category of controls is prohibitions. Activities such as assassination are so repugnant to our national standards as to warrant unequivocal prohibition. Another is the prohibition against our engaging in any activity which is clearly the equivalent of war. Intelligence agents should not be allowed to carry out war like activities when in all other cases war is regulated by the Congress and the Executive.

A third category of control is injunctions: limitations short of total prohibition. There are few clear cut cases that warrant

prohibition. What is suitable and permissible varies with circumstances. Measures that should not be undertaken in peacetime, or against a democratic state, may be permissible during war or against a totalitarian regime. Therefore, there must be adequate flexibility to adjust to circumstances and to modify rules and procedures as conditions change. Injunctions are analogous to the well-known democratic law enforcement mechanism for balancing the individual's constitutional rights to privacy and the governments need to acquire essential information: for example, telephone taps are in general prohibited. But they can be authorized by a court which issues a warrant on the basis of probable cause to believe an individual is engaged in criminal activity. The levels at which these injunctions are levied and exceptions granted varies with the risk involved, so there will be some balancing between the adequacy of control and the cumbersomeness of the control system.

An injunction instituted in the last several years and which has received considerable public attention has involved the use of accredited members of the U.S. media for intelligence purposes. We have decided that though there could be valuable intelligence returns from such an association, the net benefits to the country weighed against the shadow that might be cast over the legitimacy of the media does not warrant such use. However, it appeared unwise to make this an inflexible prohibition. I can imagine an instance when a member of an American media organization might be the only go-between in a delicate

international terrorist situation. I would not want to be constrained from asking a journalist for help and as a result risk forfeiting human lives. Should we not have an injunction rather than a prohibition with some specific means for controlling the exceptions in a case like this? I alone am allowed to grant an exception for this convention.

The oversight procedures, the fourth means of control, are, in my opinion, working very well already. The Intelligence Oversight Board has been functioning for almost three years. Composed of former Senator Gore, former Governor Scranton, and Mr. Thomas Farmer, it keeps well aware of Intelligence Community activities. They report their findings only to the President. But, over and above that executive function, they serve as a place where employees in the Intelligence Community may go if they ever fear or suspect improper performance by their superiors.

Oversight committees in Congress have been in place for two years in the Senate, a little over one in the House of Representatives. In both instances the relationship between the Select Committees on Intelligence and the Intelligence Community has been one of cooperation, but at the same time one of oversight and supervision.

Many in the Intelligence Community have come to recognize in these past two years the positive values for us in the Congressional

oversight process. Ultimate accountability is always sobering. In a business where the stakes are high, patriotism a driving force and where risks must be carefully measured, it is good to have the element of accountability hanging over us. We cannot let it drive us to intelligence by timidity, but I see no evidence that it is. Rather it is forcing us to be judicious, to think out the risks and benefits of what we must do.

Committees of the Congress are now in the process of legislating prohibitions, injunctions and oversight procedures in what will be known as the charters of the Intelligence Community. I strongly support this undertaking. In the first place it will provide the legal foundation for our activities. In the second place, it will provide guidance for our roles so that the U. S. intelligence officer on the street in a foreign country and those of us in the headquarters will have a better idea of what must not be done and what, if done, must be justified convincingly to our overseers.

Finally, the codification in the charters of authority to carry out clandestine intelligence gathering, counterintelligence, and covert political action; and the controls under which those activities will be conducted, will ensure that there is the right balance and emphasis between effective intelligence activities and their regulation. As I said before, I believe that Americans appreciate the need for intelligence.

At the same time, they want assurance that their Constitutional rights are protected and that America's foreign activities are consistent with our values and principals. We have a good balance today which I am confident will be preserved in the charter legislation.